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Hunton & Williams
1900 K Street, NW, Suite 1200
Washington, DC 20006-1109

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In re Application of
Latham

Application No.: 09/959396

PCT No.: PCT/US00/05693

Int. Filing Date: 6 March 2000

Priority Date: 5 March 1999

Attorney Docket No.: 54719.000017

For: Use of Protein Conformation For The Protection
And Release Of Chemical Compounds

DECISION ON

PETITION UNDER

37 CFR 1.137(b)

This is a decision on applicant's petition under 37 CFR 1.137(b) filed on 24 October 2001.

BACKGROUND

This international application was filed on 6 March 2000 and claimed a priority date of 5 March 1999. The International Bureau transmitted a copy of the published international application to the United States Patent and Trademark Office on 8 September 2000. A Demand electing the United States was filed prior to the elapse of 19 months from the priority date. Consequently, the thirty period for payment of the basic national fee in the United States expired as of midnight on 5 September 2001. This international application became abandoned with respect to the United States for failure to timely pay the required basic national fee.

On 24 October 2001, applicant filed the instant petition.

DISCUSSION

REVIEWED
word

A grantable petition to revive an abandoned application under 37 CFR 1.137(b) must be accompanied by (1) the required reply, unless previously filed; (2) the petition fee as set forth in § 1.17(m); (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unintentional. The Commissioner may require additional information where there is a question whether the delay was unintentional; and (4) any terminal disclaimer (and fee as set forth in § 1.20 (d)) required pursuant to paragraph (c) of this section.

Regarding requirement (1), the petition is accompanied by the required reply in the form of the basic national fee.

Regarding requirement (2), the petition is accompanied by the petition fee.

Regarding requirement (3), the petition includes an appropriate statement.

Regarding requirement (4), no terminal disclaimer is required because the international filing date of this application is later than 8 June 1995.

DECISION

The petition is **GRANTED**.

This application is being forwarded to the United States Designated/Elected Office (DO/EO/US) for further processing, including the preparation and mailing of a Notification of Missing Requirements (Form PCT/DO/EO/905) requiring the submission of an executed oath or declaration and payment of the surcharge under 37 CFR 1.492(e).



Leonard Smith
PCT Legal Examiner
PCT Legal Office



George Dombroske
PCT Legal Examiner
PCT Legal Office
Tel: (703) 308-6721
Fax: (703) 308-6459